

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14808 of Christopher K. Chapin, pursuant to 11 DCMR 3107.2, for a variance to allow an addition to a structure that now exceeds the allowable percentage of lot occupancy requirements (Paragraph 2001.2(a)), a variance from the minimum rear yard requirements (Sub-section 404.1), a variance from the allowable percentage of lot occupancy requirements (Sub-section 403.2), a variance to allow an addition that does not conform to structure, rear yard and lot occupancy requirements (Paragraph 2001.3(b)), a variance to allow an addition that increases and extends existing nonconforming aspects of the structure, rear yard and lot occupancy requirements (Paragraph 2001.3(c)) for a proposed addition to a nonconforming structure in an R-3 District at premises 2136 Leroy Place, N.W., (Square 1532, Lot 48).

HEARING DATE: June 15, 1988
DECISION DATE: June 15, 1988 (Bench Decision)

DISPOSITION: The Board GRANTED the application by a vote of 5-0 (Charles R. Norris, Elliott Carroll, Paula L. Jewell, William F. McIntosh, and Carrie L. Thornhill to grant).

FINAL DATE OF ORDER: August 18, 1988

O R D E R

The Board granted the application by its Order dated August 18, 1988. By letter dated January 4, 1989, the applicant submitted a timely motion requesting modification of the previously approved plans. The proposed modifications would result in the replacement of the proposed clearstory windows at the south wall with a plain brick wall on the first level and the replacement of the proposed brick enclosure at the second level with a wood and glass enclosure. The proposed renovations are necessary because the BOCA Code does not permit windows on a "face on line" wall and because the proposed brick enclosure at the second level would require extensive reinforcement of the sun porch floor. The proposed modifications would not alter the size or square footage of the proposed addition. There was no opposition to the proposed modification of plans.

Upon review of the proposed modification of plans, the record in the case and its final order, the Board concludes that the proposed modifications to the plans previously

approved by the Board are minor in nature and do not alter the size, shape and configuration of the project. The material facts relied upon by the Board relative to the original application are unaffected by the proposed modified plans. No additional zoning relief is required.


It is therefore ORDERED that the MODIFICATION of PLANS is APPROVED and that the plans marked as Exhibit No. 23A of the record shall be substituted for those originally approved by the Board and marked as Exhibit No. 4 of the record. In all other respects, the Order dated August 18, 1988, shall remain in full force and effect.

DECISION DATE: February 1, 1989

VOTE: 5-0 (William F. McIntosh, Charles R. Norris, Paula L. Jewell and Carrie L. Thornhill to approve; Elliott Carroll to approve by proxy).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: FEB 24 1989

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14807 of Norman R. Pozez and Melinda Bieber, pursuant to 11 DCMR 3107.2, for a variance from the width of the open court requirements (Sub-section 406.1), a variance from the maximum allowable lot occupancy requirements (Sub-section 403.2), a variance to allow an addition to a nonconforming structure that now exceeds the allowable percentage of lot occupancy requirements (Paragraph 2001.3(a)), and a variance to allow an addition to a nonconforming structure that will extend the height of a closed court that currently does not meet the width of court requirements (Paragraph 2001.3(c)) to construct an addition to an existing nonconforming single-family dwelling in a D/R-3 District at premises 2132 Bancroft Place, N.W., (Square 2532, Lot 18).

HEARING DATE: June 15, 1988
DECISION DATE: June 15, 1988 (Bench Decision)

SUMMARY ORDER

The Board duly provided timely notice of the public hearing on this application, by publication in the D.C. Register, and by mail to ANC 1D and to owners of property within 200 feet of the site.

The site of the application is located in Advisory Neighborhood Commission ("ANC") 1D and in proximity to ANC 2B and 1C. ANC 1D, which is automatically a party to the application, filed a written statement of issues and concerns in support of the application. ANC 2B and 1C did not submit a written statement of issues and concerns, or request to be treated as affected ANCs.

As directed by 11 DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a variance from the strict application of the requirements of 11 DCMR 406.1, 403.2, 2001.3(a) and 2001.3(c). No person or entity appeared at the public hearing in opposition to the application or otherwise requested to participate as a party in opposition to this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3107, and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and maps. It is therefore ORDERED that the application is GRANTED.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is not prohibited by law.

VOTE: 5-0 (Charles R. Norris, Elliott Carroll, Paula L. Jewell, William F. McIntosh, and Carrie L. Thornhill to grant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: Edward L. Curry
EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: AUG 18 1988

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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